REMARKS/ARGUMENTS

In view of the amendments and remarks herein, favorable reconsideration and allowance of this application are respectfully requested. By this Amendment, claims 6 and 11 have been amended. Thus, claims 6-9 and 11 are pending for further examination.

Claims 6 and 9 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Martin et al. (U.S. Patent No. 5,355,302) in view of Frank et al. (U.S. Patent No. 5,341,350), Ludwig (U.S. Patent No. 5,689,641), Hendricks et al. (U.S. Patent No. 6,408,437) and Vogel (U.S. Patent No. 5,117,407). This rejection is respectfully traversed.

Page 8 of the Final Office Action contends that aspects of the registering recited in claim 6 are to be found at various places in column 3 of Martin. However, currently amended claim 6 now requires "registering said jukebox device for operation through communication between the security operating software of the jukebox device and the controller system, the security operating software (1) authorizing the jukebox device to operate when the authorized manager has processed a correct registration, or (2) causing the jukebox device to at least temporarily stop working if cheating has been detected by the security operating software or if the network cannot be accessed."

When practiced, this feature is advantageous for a number of reasons. For example, the claims relate to a method of operating a jukebox system for use in a public establishment. To be commercially feasible, jukeboxes oftentimes need to collect and report accurate royalty-related information. Thus, jukebox providers are faced with the

problem of having to reduce fraudulent usages of jukeboxes, e.g., by owners, the public, operators, and other persons, while remaining remote from the jukeboxes, themselves. But certain exemplary embodiments of the invention of claim 6 help solve this problem. Indeed, certain exemplary embodiments of the invention of claim 6 incorporate conventional fraud-reducing features that involve a network-based control mechanism.

The cited portions of Martin do not teach or suggest this feature of claim 6 and also fail to convey similar advantages to real-world jukebox providers. Moreover, none of the applied prior art references, taken alone or in any combination, teach or suggest this feature of claim 6, or convey similar advantages to real-world jukebox providers. Thus, the alleged combination of references fails to render obvious the invention of claim 6.

Accordingly, Applicant respectfully submits that the alleged five-way combination of Martin, Frank, Ludwig, Hendricks, and Vogel fails to render obvious the invention of claim 6.

Claims 7 and 8 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Martin in view of Frank, Ludwig, Hendricks, Vogel, and further in view of Bacon et al. (U.S. Patent No. 5,440,632), Beaverton (U.S. Patent No. 5,210,854), and Nilsson et al. (U.S. Patent No. 5,410,703). Claim 11 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Martin in view of Frank, Ludwig, Hendricks, Vogel, and further in view of Servi (U.S. Patent No. 5,278,904). These rejections are respectfully traversed.

The introduction of these additional references fails to make up for the deficiencies noted above-with respect to the five-way combination of Martin, Frank, Ludwig, Hendricks, and Vogel applied to claim 6. Thus, claims 7-9 and 11 should be allowable at least by virtue of their dependence on amended claim 6.

Thus, reconsideration and withdrawal of these Section 103 rejections are respectfully requested.

It is noted that Applicant does not acquiesce to the officially noticed "fact" that "it is notoriously well known to encrypt data using a code resident on the receiving device for decryption for the purpose of preventing unauthorized users from accessing the encrypted data." For example, it was not well known at the time the priority documents for this application were filed to provide music to digital downloading jukeboxes at all -- much less to use encryption and decryption features in the manner alleged in the Final Office Action. As noted above, the rejection of claim 9 has been traversed on other grounds. However, in the event that the rejection is maintained or that a new rejection incorporating this officially noticed "fact" is issued, the Examiner is kindly requested to come forth with evidence corroborating this alleged "fact."

Similarly, with respect to the rejections of claims 7 and 8, it is noted that Applicant does not acquiesce to the officially noticed "fact" that "it is notoriously well known in the art to back up current software prior to the installation of a newer version of the software for the purpose of keeping the original working software available for the roll-back in the event the new software fails to install or operate properly." For example,

it was not well known at the time the priority documents for this application were filed to provide software to digital downloading jukeboxes at all -- much less to selectively update software over a network while maintaining versioning information as required by claims 7 and 8. As noted above, the rejection of claims 7 and 8 have been traversed on other grounds. However, in the event that the rejection is maintained or that a new rejection incorporating this officially noticed "fact" is issued, the Examiner is kindly requested to come forth with evidence corroborating this alleged "fact."

In view of the above amendments and remarks, Applicant respectfully submit that all the claims are patentable and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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